



A G E N D A

General Plan/LCP Implementation Committee

October 1, 2008

3:30 p.m.

City Council Chambers

1. Approve Action Minutes from September 24, 2008

Attachment No. 1

3:30-3:35

2. Zoning Code Re-write***

- Review Topic No. 2 – Zoning Map/Zoning Districts and Use Tables (Part 2 of Draft Code)
- Review Topic No. 3 – Planning Permit Procedures (Part 5 of Draft Code)

Attachment No.2

3:35-6:45

3. Items for Future Agenda

6:45- 6:55

4. Public Comments on non-agenda items

6:55-7:00

*****All of Part 2 and all of Part 5 of the draft code will be discussed**

Attachment No. 1



CITY OF NEWPORT BEACH GENERAL PLAN/LCP IMPLEMENTATION COMMITTEE

DRAFT ACTION MINUTES

Action Minutes of the General Plan/LCP Implementation Committee held at the City Council Chambers, City of Newport Beach, on **Wednesday, September 24, 2008**

Members Present:

X	Ed Selich, Mayor, Chairman
X	Leslie Daigle, Mayor Pro Tem
X	Don Webb, Council Member
X	Barry Eaton, Planning Commissioner
X	Robert Hawkins, Planning Commissioner
X	Michael Toerge, Planning Commissioner

Advisory Group Members Present:

X	Mark Cross
	Larry Frapwell
	William Guidero
	Ian Harrison
X	Brion Jeannette
	Don Krotee
	Todd Schooler
	Kevin Weeda
	Dennis Wood

Staff Representatives:

X	Sharon Wood, Assistant City Manager
X	David Lepo, Planning Director
X	Aaron Harp, Assistant City Attorney
X	James Campbell, Senior Planner
X	Gregg Ramirez, Senior Planner

E = Excused Absence

Committee Actions

1. **Agenda Item No. 1** – Approval of minutes of September 10, 2008.

Action: Committee approved the draft minutes.

Vote: Consensus

2. Agenda Item No. 2 – Zoning Code Re-Write

Action: The Committee discussed three chapters of the draft Zoning Code:

- **Chapter 20.32 - Density Bonus.** Staff explained that this chapter has been drafted in accordance with state law. The Committee discussed the parking requirements, determined that the review authority for incentives should remain the City Council and requested that a formula or tracking system be created to determine the value of improvements associated with resale provisions of affordable units built in compliance with this chapter.
- **Chapter 20.34 - Inclusionary Housing.** Staff explained that this chapter is intended to implement Housing Program No, 2.2.1 and explained that this chapter is not required by state law therefore the city has flexibility in creating standards. The Committee and staff discussed how this chapter may help with achieving the City's RHNA. Committee discussed the chapter and directed staff to:
 - Re-asses affordability requirement percentages (20.34.030.A.1) and make them consistent with the 15% average policy.
 - Require that when determining number of affordable units required that standard rounding be used when units are provided (20.34.030).
 - Amend section 20.34.030 to require that the affordable units be required to be designed and have a comparable number of bedrooms as market rate units with the exception that affordable units do not need to have more than three bedrooms.
 - Add a requirement for monitoring affordable units required by an AHIP (20.34.070.A)
 - Amended section 20.34.080 to limit the use of the Affordable Housing Trust Fund money to only those actions directly related to the development or retention of affordable housing.
 - Amend section 20.34.090 to include specific requirements when an adjustment or waiver to the requirements of this chapter is requested.
- **Chapter 20.36 – Conversion or Demolition of Affordable Housing in the Coastal Zone.** Staff explained that this chapter has been draft to implement state law (Mello Act)
 - The Committee directed staff to re-evaluate section 20.36.030 regarding the feasibility of replacing a residential use with a non-residential use.

Vote: Consensus

3. Agenda Item No. 3 - Zoning Code Re-write – Distribution of review resource material

Action: No materials were distributed.

Vote: None

4. Agenda Item No. 4 – Items for a Future Agenda

Action: Staff gave an update on the Fair Share Fee study

Vote: None

DRAFT

Attachment No. 2

Draft Code Review No. 2 Parts 1 and 2 of Draft Code

Chapters/sections to be discussed at meeting: All of Parts 1 and 2.

Zoning Map – Part 1, Chapter 20.14 and Back Pocket of Draft Code

- Replaces Districting Maps
- Depicts Zoning Districts
- Indicates FAR and dwelling unit maximum (and some minimums) when the standard for a specific site differs from the district standard
- Anomaly locations not shown for sites located within a Planned Community
- Anomaly numbers are consistent with those in the General Plan
- Setbacks that differ from the district standard are depicted on Setback Maps

Zoning Districts – Part 2, All Chapters

- Implements General Plan Land Use Categories (GP Table LU1 and GP Land Use maps thorough new zoning districts)
- Proposed uses in Zoning Districts are consistent with General Plan category descriptions
- Permit requirements took into account General Plan policies related to the identified General Plan Districts and Corridors: Balboa Peninsula, West Newport, Old Newport Boulevard, Mariners Mile, Corona del Mar, etc.
- Existing R1.5 Zoning District (Balboa Island) converted to R-2
- B Overlay zoning districts converted to base districts
- Conditional Use Permit replaces Use Permit – No major changes in processing
- Minor Use Permit with the Zoning Administrator replaces the Use Permit approved by the Director
- Notable changes/additions to use tables
 - Some non-retail (office) limited to above 1st floor only
 - Marine Incentive Use provisions eliminated
 - Emergency Shelters added in Accordance with SB2
 - Visitor Serving Retail use added
 - Marine Related Retail use added
- Eating and Drinking Establishments – Significant changes. Will require separate discussion at a later meeting

**Draft Code Review No. 3
Planning Permit Procedures
Part 5 of Draft Code**

Chapters/sections to be discussed at meeting: All of Part 5 however, staff recommends that the focus of the review and discussion be on:

- Coastal Development Permits
- Modification Permits
- Planned Development Permits
- Site Development Review.

**1. Coastal Development Permits – Section 20.66.010 (New)
Existing Code: None**

- Written to be consistent with the Coastal Act and Coastal Regulations
- City will have jurisdiction to issue CDP's when code/IP is certified by the Coastal Commission
- Required of most development in the Coastal Zone if the development is not located in the Categorical Exclusion area or specifically exempted by Section 20.66.020.E.3 (As recommended by the City)
- Allows the Director to issue a de minimus waiver which eliminates the need to obtain a CDP if certain requirements are met (Section 20.66.020.N)
- Has different notice and hearing requirements in compliance with the Coastal Act
- CDP decisions may be appealed to the Coastal Commission
- Review Authority: Planning Commission

**2. Emergency Permits – Section 20.66.030 (New)
Existing Code: None**

- Provides procedures for the issuance of Emergency Coastal Development Permits
- Generally, a project may be eligible if a situation requires that action be taken more quickly than the time typically taken to process a CDP
- Requires that a CDP be applied for and obtained within 90 days of issuance of the Emergency Permit.
- Review Authority: Planning Director

**3. Reasonable Accommodations – Section 20.66.040
Existing Code: Chapter 20.98**

- Written to be consistent with State and Federal law
- Provides a course for relief from compliance with code requirements when it can be demonstrated that a deviation is necessary to provide an individual with a disability equal opportunity to use and enjoy a dwelling
- Review Authority: Hearing Office
- Written to be consistent with reasonable Accommodation regulations adopted as part of Group Home Ordinance

4. Modification Permits – Section 20.66.050 (Revised)
Existing Code: Chapter 20.93

- Deviation from standards limited to a maximum of 10%
- Current code does not have a deviation limit
- Findings revised but remain similar to existing code
- Review Authority: Zoning Administrator

5. Planned Development Permits – Section 20.66.060 (New)
Existing Code: None

- Provides a comprehensive review process for a proposed project where multiple deviations are requested and possibly desirable instead of requiring multiple requests for modification permits, relief from parking requirements, etc.
- Allows deviations from all development standards except height and FAR or residential density, or commercial intensity or use.
- Useful with re-development and in-fill projects
- Requires efficient site planning, efficient use of land and enhanced amenities
- Minimum site area - 1 acre
- Review Authority: Planning Commission

6. Site Development Reviews – Section 20.66.070 (New)
Existing Code: None

- Mandatory for review of development projects that exceed thresholds
- Thresholds and review authority outlined in Table 5-2 on page 5-41
- SDR includes review for compliance with all zoning code standards in addition to General Plan polices and any other City regulations or polices such as design criteria
- Is not a tool to request relief from development standards
- Not a substitute for CUP or MUP review

- Review Authority: Zoning Administrator or Planning commission

7. Limited Term Permits – Section 20.66.080 (Revised)
Existing Code: Section 20.60.015

- Regulates requests for limited duration land uses
- 12 month limitation with a maximum of on 12 month extension
- Examples of uses include: construction yards, off-site parking for marine uses, Christmas tree lots, work trailers, mobile labs, etc.
- No public hearing for uses not exceeding 90 days
- Review Authority: Zoning Administrator

8. Conditional Use Permits – Section 20.66.090 (Revised)
Existing Code: Chapter 20.91

- Name change from Use Permit (UP to Conditional Use Permit (CUP)
- Findings revised
- Review Authority: Planning Commission

9. Minor Use Permits – Section 20.66.090 (Revised)
Existing Code: Chapter 20.91 (Use Permit issued by PD)

- Replaces current Use Permit issued by the Planning Director (PD/U)
- Public hearing now required for each application.
- Findings revised
- Review Authority: Zoning Administrator

10. Conditional Use Permits in Residential Zones – Section 20.66.095
Existing Code: Chapter 20.91A

- Includes regulations from recently adopted Group Homes Ordinance for CUP's in residential districts.
- Review Authority: Hearing Officer

11. Variances – Section 20.66.100 (Revised)
Existing Code: Chapter 20.91

- Findings revised
- Clearly indicates that past Variance approvals do not create precedent
- Review Authority: Planning Commission

Whelan, Melinda

From: Robert C. Hawkins [rhawkins@earthlink.net]
Sent: Tuesday, September 30, 2008 1:52 PM
To: Whelan, Melinda
Subject: FW: Zoning Map & Zoning District Uses & Standards in the Proposed Zoning Code
Attachments: 20080930 Part 2 RCH.doc

From: Barry D. Eaton [mailto:eaton727@earthlink.net]
Sent: Tuesday, September 30, 2008 2:23 AM
To: Wood Sharon; Campbell, James; Ramirez, Gregg; Lepo, David
Cc: Hawkins Robert; Webb, Don; Toerge, Michael; Eaton, Barry; Daigle, Leslie; Selich, Ed
Subject: Zoning Map & Zoning District Uses & Standards in the Proposed Zoning Code

Sharon, et al,

I have now read these 8 Chapters (20.14, and 20.16 [labeled as 20.30] through 20.28) of the proposed Zoning Code; and, as you no doubt have anticipated, I have some questions thereon. My guess is that at least questions 19), 20), 21), 28), 33), and 36) through 40) rise to the level of policy questions to be discussed by the Committee as a whole, but you may feel that there are others that do, as well. For clarity, I am continuing the numbering of these questions from my first email on the Housing Chapters, and I have separated them by Chapter. I apologize for getting these to you so late in this interval between meetings (compared to normal for me) but I did spend a significant portion of that interval at Hoag. As you can probably also guess, I anticipate that I will not have time to read all 74 pages of part 5, which we were also supposed to cover in this one week interval.

Chapter 20.14 - Zoning Map

15) Table 1-1 (in Section 20.14.020) lists a "R-1-A" zone, but there appears to be no such zone in Part 2, or on the Map. Is there any reason to retain the reference to it?

16) What is the purpose of the "Area Maps" that precede the large Zoning Map itself?

17) The several area maps for the Peninsula and West Newport all include large areas of the sand beach. Is there a reason for that? Are those areas zoned?

18) The area map for Mariner's Mile appears to only include the west portion of the Mariner's Mile Overlay Area. Was that deliberate?

19) The area map for the high rise areas include Belcourt, One Ford Road, adjacent smaller developments, and all of Newport North Planning Area as within the 375' height zone. Now that all of those areas have been developed as residential and low rise non-residential, shouldn't this be amended?

20) On the zoning map itself, all of the several "Bluffs" developments, and the project at the south east corner of Irvine and University are proposed to be designated as R-1 zoning. But the R-1 zone in the text states that it is exclusively for detached single family zoning, prohibits attached dwellings, and requires side yards for each unit; and these areas are developed as attached "townhouse" units. Is this

not internally inconsistent? Should we not consider a different zoning designation for Single Family Attached units?

Chapter 20.16 (labeled as Chapter 20.30) - Development and Land Use Approval Requirements

21) The section numbered as 20.30.020.E. (presumably intended to be Section 20.16.020.E.) states that "The City may adopt criteria, guidelines, and policies separate from this Zoning Code that may affect the use and development of land." If so, how will these other categories of restrictions be memorialized and made available to the public, so that property owners and applicants may know all the restrictions that will apply to their property?

22) The section numbered as 20.30.030.A.2. (presumably intended to be numbered Section 20.16.030.A.2.) refers to "Minor Use Permits" as if they were the same thing as Conditional Use Permits, even though they are separately provided for in subsection 4. of this same section. Was this intentional? Are CUPs and MUPs the same thing, with the same processing requirements? If not, shouldn't they be separated in this Section?

Chapter 20.18 - Residential Zoning Districts

23) Section 20.18.010.A. - see question 20) above.

24) Table 2-1, 2nd line (indicating that "Single Family Dwellings - Attached" are prohibited in the R-1 zone) - see question 20) above.

25) Table 2-1, 9th line (indicating that short term lodging is prohibited in the R-1 zone) - is this consistent with the current version of Chapter 5.95 of the Code?

26) Table 2-1, 13th line (indicating that large [9-14 children] Day Care facilities are permitted with a Minor Use Permit in the R-1 zone) - does this reflect the current code?

27) Table 2-1, 21st line (indicating that "parking facilities" are permitted with a MUP in the R-1 zone) - is this consistent with the current code? What is a "Parking Facility"? It is not defined in Part 7 (Definitions) of the proposed code.

28) Table 2-1, 23rd line, "Utilities" are permitted by right in all of the residential zones. But "Utilities" are defined in Part 7 (page 7-52) to include the "provision.... of oil, gas, power, ... and includes facilities for the generation of electricity." Does this mean that oil facilities and "peaker" electric generating facilities would be permitted in all the residential zones - even the R-1 zone - by right? Why on earth would we permit a "peaker" electric generation facility in the R-1 zone by right?

29) Table 2-2, in the right hand column, states that garages facing alleys shall have a "maximum" setback of 7 feet. Why?

30) Table 2-2, under height, lists a separate height maximum in the R-1-7,200 zone than all the other R-1 zones. Why?

31) Table 2-2, footnotes (1) and (4) appear to be new to me. Are they new, or are they in the existing code? Footnote (1) can be particularly onerous, if actually implemented by the City.

32) Table 2-3 has footnote (3) in the first line. Shouldn't it be in the 10th line, dealing with Site Area per Dwelling Unit?

33) The staff summary sheet notes that almost all of Balboa Island has been proposed to be, in effect, rezoned from R-1.5 to R-2. As I understand it, the difference between R-1.5 and R-2 currently is the lower FAR provided for in the R-1.5 zone; and that Balboa Island considers this to be a very important provision in their community character. Yet, Table 2-3, under Floor Limit, provides no FAR restriction whatever in the proposed R-2 zone. Isn't this completely contrary to what the Balboa Island residents have consistently requested for their island? Why is no FAR proposed for the R-2 zone - or at least in the Balboa Island portion of the R-2 zone?

34) In the Open Space section of Table 2-3 no minimum dimensions are stated for either the proposed Common open space or Private open space requirements. Yet, in Chapter 20.22 (page 2-36), there are such minimum dimension requirements for exactly the same required Open Space requirements. Shouldn't those also be provided here?

Chapter 20.20 - Commercial Zoning Districts

35) The Title Block of this Chapter includes a reference to Section 20.65.085 - uses requiring City Manager approval. I could not find such a section; and is there really a zoning process approvable only by the City Manager? If so, what is it?

36) Table 2-4, 4th line, permits "Research and Development" by right in all the proposed Office zones, with no limitations as to size or nature of such development. The definition of R & D in part 7 (page 7-43) includes "product testing". Do we really want no limitations whatever on such a use in the office zones other than the Airport Office zone?

37) Table 2-4, 11th line, permits Accessory Off Site Alcohol Sales in all the proposed office zones, by right. Do we really want no limitation whatever on this use in the office zones other than the Airport Office zone?

38) Table 2-4, last line on page 2-17, permits large Day Care (15+ children) in the Airport Office zone, with a MUP. Do we really want this kind of use in such a noise impacted area - even with a MUP?

39) Table 2-4, 11th line on page 2-18, permits Emergency Shelters by right in only the Airport Office zone, and I could find no other zone in which this use is permitted in any way. This use is defined in Part 7 (page 7-23) as essentially "housing". Why would we permit housing in only the most noise impacted area in the City? Is this consistent with the Airport AELUP, that the City must be consistent with?

40) Table 2-4, page 2-18, permits Crematoriums by CUP in all the office zones, and Maintenance and Repair Services by right in all the office zones except OM (Medical Office). It also permits Hotels and Motels by CUP in the OM zone, but prohibits them in the OR (Regional Office) zone; and would permit "peaker" electric generator facilities in all the office zones, including the OM (medical) zone. Is all this consistent with the General Plan?

41) Table 2-5, 12th line, prohibits retail sales in the CV (Commercial Visitor-Serving) zone. Why would we do that?

42) Table 2-5, under Service Uses, would require that Corporate and Professional Offices could only be located above the first floor; but that requirement would not apply to Business or Medical and Dental offices. Why? Is there such a difference between "Business" and "Professional" offices that one is permitted on the first floor in the Commercial zones, but not the other?

Chapter 20.22 - Mixed Use Zoning Districts

43) Table 2-9, 6th line, permits Boat Rentals and Sales by right in the Dover/Westcliff zoning district. Really? Do we want a boat yard in that district?

44) Table 2-9, top line on page 2-31, has footnote (2) (regarding Coast Highway) in the MU-H4 (Cannery Village/Peninsula) district. Doesn't this footnote belong in the HU-H1-MM (Mariner's Mile) district?

45) Table 2-11, first line, requires a minimum lot size in the MU-H1-DW (Dover/Westcliff) district of 40,000 square feet. Why so large?

46) Table 2-11, 3rd line, provides both minimum and maximum lot areas per square foot (minimum, as well as maximum residential density) in all the MU Districts, except for the MU-H1-DW district. Why the minimum density requirement, and why does neither the minimum nor maximum apply to Dover/Westcliff?

47) Table 2-12 appears to have the "MM" missing from the MU-W1 District, and refers to Specific Plan numbers for both of the districts in this table; whereas none of the other tables refer to Specific Plans. Why?

48) Table 2-12, 4th line, refers to separate FAR standards for "Lido Marina Village", but doesn't have any other separate standards for this particular area. Was this intentional?

Chapter 20.24 - Industrial Zoning District

49) Table 2-13, 17th line, permits retail by right in this Industrial District. Why wouldn't there be a MUP required for retail uses in an Industrial District?

Chapter 20.26 - Special Purpose Districts

(No comments.)

Chapter 20.28 - Overlay Districts

(No comments.)

As you can see, I got tired toward the end of this laborious review; and probably missed some things; which is also why I don't think I'm going to be able to give the 74 pages of Part 5 an adequate review by Wednesday. I look forward to your responses to these questions; and which ones you think are policy

09/30/2008

questions for the whole Committee to discuss.

Barry

**Commissioner Hawkins' Comments On Part 2 Use Tables
No Changes to Current Practice, or already Discussed**

Pg. 2-9 Table 2-1 - Short Term Lodging under R-2 (Prohibit or MUP)

Pg. 2-9 Table 2-1 - Day Care General 15 or more under R-2 and R-M (Why HO?)

Pg. 2-17 Table 2-4 - Research and Development under OA, OG, OM, and OR (MUP? CUP?)

Pg 2-18 Table 2-4 - Alcohol Sales (off-sale) Accessory Only under OA, OG ,OM, and OR (MUP?)

Pg. 2-18 Table 2-4 - Animal Grooming under OG and OR (MUP ?)

Pg. 2-18 Table 2-4 - Day Care – General 15 or more under OA, OG, OM, OR (CUP?)

Pg. 2-19 Table 2-4 - Laboratories (definition needs a size component; this would include Allergan) under OA, OG, OM, OR (MUP? CUP?)

Pg. 2-19 Table 2-4 - Communication Facilities under OA, OG, OR (MUP?)

Pg. 2-21 Table 2-5 - Marine Retail Sales under CC, CG, CM, CV (MUP?)

Pg. 2-29 Table 2-8 - Industry Marine Related under MU-H4 (CUP? MUP?)

Pg. 2-29 Table 2-8 - Research and Development under MU-H1 MM (MUP?)

Pg. 2-30 Table 2-9 - Adult Day Care 6 or fewer and Child Day Care Small 8 or fewer (MUP? For all)

Pg. 2-31 Table 2-9 and Pg. 2-34 Table 2-10 - Eating and Drinking Establishments Bars, Lounges, and Nightclubs under MU-V, MU-H1 MM, MU-H4, MU-W1 MM 5, MU-W2 (Not allowed)

Pg. 2-43 Table 2-13 - Industry Research and Development (MUP?)

Pg. 2-43 Table 2-13 - Industry Small 5,000 sq ft or less under IG (MUP?)

Pg. 2-43 Table 2-13 - Wholesaling under IG (MUP?)

Pg. 2-50 Table 2-15 - Parks and Rec Facilities Active under OS (CUP?)

Pg. 2-50 Table 2-15 - Parks and Rec Facilities Passive under OS (P?)

Pg. 2-50 Table 2-15 - Governmental Facilities (Definition should include City facilities)

**Commissioner Hawkins' Comments on Part 2 Use Tables
New or Changed Provisions**

Pg. 2-8 (Doesn't the map have more districts including R-1 Attached? If not, shouldn't it have differentiation between R-1 and the Bluffs townhouses?)

Pg. 2-9 Table 2-1 - Breakfast and Inns under R-2 and R-M (why HO?)

Pg.2-9 Table 2-1 - Parking Facility under R-1 (MUP? CUP?)

Pg. 2-9 Table 2-1 - Wireless Telecoms under Residential (not allowed on residential lots?)

Pg. 2-10 Table 2-2 - Front Setback for R-1 10,000 15 ft (Why smaller than 20')

Pg. 2-11 Table 2-2 - Rear Setback for R-1 7,200 20 ft (?) and R-1 10,000 10 ft. (Why smaller than 7,200?)

Pg. 2-11 Table 2-2 - Height for R-1 7,200 vs. Height for R-1 10,000 (Why are the small lots allowed higher height limits than large lots?)

Pg. 2-15 Note (2) of Table 2-3 (How is this consistent with the General Plan policy prohibiting new subdivisions?)

Pg. 2-18 Table 2-4 - Retail Sales less than 10,000 sq ft under OA (MUP?)

Pg. 2-18 Table 2-4 - Retail Sales 10,000 sq ft or greater under OA (CUP?)

Pg.2-18 Table 2-4 - Convalescent Facilities under OG and OM (MUP?)

Pg. 2-19 Table 2-4 - Eating and Drinking Establishments (This section needs clarity, simplicity, and a lot of work)

Pg. 2-19 Table 2-4 - Emergency Shelters under OA, OG, OM, OR (MUP?)

Pg. 2-19 Table 2-4 - Personal Services (Definition is too broad for all sections) under OA, OG, OM, OR (MUP?)

Pg. 2-22 Table 2-5 - Marine Services Boat Storage and Boat Yards under CM (MUP?)

Pg. 2-31 Table 2-9 - Fast Food no late hours, Food Service no alcohol no late hours, Take-out Service Limited, Take-out Service Only under MU-V, MU-H1 MM, MU-H4 (MUP instead of P?)

Pg. 2-43 Table 2-13 - Alcohol Sales off-sale under IG (MUP?)

Pg. 2-43 Table 2-13 - Adult-Oriented Businesses under IG (MUP? Kennels require MUP but adult is permitted?)

Chapter 20.16 – Development and Land Use Approval Requirements

Sections:

- 20.16.010 – Purpose
- 20.16.020 – General Requirements for Development and New Land Uses
- 20.16.030 – Allowable Land Uses and Planning Permit Requirements
- 20.16.040 – Short Term Uses and Structures
- 20.16.050 – Special Events
- 20.16.060 – Coastal Development Permit.
- 20.16.070 – Additional Permits and Approvals may be Required

20.16.010 – Purpose

This purpose of this Title (or Chapter) is to ~~Part~~ describes the general requirements of this Zoning Code for the approval of proposed development and ~~new~~ land use activities. Land use requirements for specific land uses are established by this Part 2, Part 3 (Site Planning and General Development Standards), and Part 4 (Standards for Specific Lan

d[RCH1] Uses). Land use and development approval and administrative provisions are established by Part 5 (Planning Permit Procedures) and Part 6 (Zoning Code Administration).

20.16.020 – General Requirements for Development and New Land Uses

No use of land or structures shall be allowed, altered, constructed, established, expanded, reconstructed, or replaced unless the use of land or structures complyes with the following requirements of this Chapter.

- A. **Allowable use.** The land use shall be identified by Chapter 20.18 (Residential Zoning Districts), Chapter 20.20 (Commercial Zoning Districts), Chapter 20.22 Mixed-Use Zoning Districts, Chapter 20.24 (Industrial Zoning Districts), Chapter 20.26 (Special Purpose Zoning Districts), or Chapter 20.28 (Overlay Zoning Districts) as being allowable in the zoning district applied to athe site.
- B. **Permit requirements.** Permits required by this Zoning Code shall be obtained before the proposed use is constructed, any activities associated with such construction are commenced, is otherwise established, or is put into operation.
- C. **Development standards.** Uses and/or structures shall comply with all applicable development standards of this Part, the provisions of Part 3 (Site Planning and General Development Standards), Part 4 (Standards for Specific land Uses), and other adopted criteria, guidelines, and policies related to the use and development of land.
- D. **Conditions of approval.** Uses and/or structures shall comply with all conditions imposed by a previously granted permit. Failure to comply with imposed conditions shall be grounds for revocation of the permit in compliance with Chapter 20.82 (Enforcement).
- E. **Other development criteria, guidelines, and policies.** The City may adopt criteria, guidelines, and policies separate from this Zoning Code that may affect the use and development of land. All applicable standards, criteria, guidelines, policies, and procedures related to development shall apply when appropriate as determined by the applicable review authority.
- F. **Reasonable Accommodations.** The review authority may grant reasonable accommodations ~~(modifications)~~ to the City's zoning and land use regulations, policies, and practices when needed to provide an individual with a disability an equal opportunity to use and enjoy a dwelling in compliance with Section 20.66.040 (Reasonable Accommodations).

20.16.030 – Allowable Land Uses and Planning Permit Requirements

A. Allowed land uses.

- 1. **Permitted uses.** Permitted subject to compliance with all applicable provisions of this Zoning Code, issuance of a Zoning Clearance (Section 20.66.110), and any Building Permit or other permit required by the Municipal Code. These are shown as "P" uses in the tables.

2. **Conditional Use Permit required.** Allowed subject to the approval of a Conditional Use Permits and Minor Use Permits (Section 20.66.090) and shown as "CUP" uses in the tables.
 3. **Conditional Use Permit - Hearing Officer required.** Allowed subject to the approval of a Conditional Use Permit - Hearing Officer (Section 20.74.040) and shown as "CUP -HO" uses in the tables.
 4. **Minor Use Permit required.** Allowed subject to the approval of a Conditional Use Permits and Minor Use Permits (Section 20.66.090), and shown as "MUP" uses in the tables.
- B. Multiple uses on a single site.** Where a proposed multi-tenant project includes multiple land uses that require different permits, the project shall be authorized through the approval of the permit requiring the highest level of review. This provision shall not apply to a new single use when locating in an existing multi-tenant project.

20.16.040 – Short Term Uses and Structures

Requirements for establishing a short term use or structure (e.g., construction yards, seasonal sales lots, temporary office trailers, etc.) are identified in Section 20.66.080 (Limited Term Permits).

20.16.050 – Special Events

Requirements for holding a special event are identified in Municipal Code Chapter 11.03 (Special Events). In addition, all other applicable permits shall also be obtained.

20.16.060 – Coastal Development Permit.

A ~~coastal~~–development project in the Coastal Zone shall require approval of a Coastal Development Permit in compliance with Section 20.66.020, unless identified as exempt in that Section.

20.16.070 – Additional Permits and Approvals may be Required

- A. Other permits required.** An allowed land use or structure that is exempt from a permit, or has been granted a permit, may still be required to obtain other permits before the use or structure is constructed, any activities associated with such construction are commenced or is otherwise established, and is put into operation. Nothing in this Section shall eliminate the need to obtain any permits or approvals required by:
1. Other provisions of the Municipal Code (e.g., Building Permits, Grading Permits, other construction permits, Live Entertainment Permit, or a Business License); or
 2. Orange County, a special district, or any regional, State, or Federal agency.
- B. Timing of other permits.** All necessary permits shall be obtained before starting work or establishing a new use.

Chapter 20.18 – Residential Zoning Districts [R-1, R-2, RM]

Sections:

- 20.18.010 – Purposes of Residential Zoning Districts
- 20.18.020 – Residential Zoning Districts Land Uses and Permit Requirements
- 20.18.030 – Residential Zoning Districts General Development Standards

20.18.010 – Purposes of Residential Zoning Districts

The purposes of the individual residential zoning districts and the manner in which they are applied are as follows:

- A. **R-1 (Single-Unit Residential) Zoning District.** The R-1 zoning district is intended to provide for areas appropriate for a range of detached single-family residential dwelling units, each located on a single legal lot, and does not include condominiums or cooperative housing.
- B. **R-2 (Two-Unit Residential) Zoning District.** The R-2 zoning district is intended to provide for areas appropriate for two unit residential dwelling units (i.e., duplexes) located on a single legal lot.
- C. **RM (Multiple Residential) Zoning District.** The RM zoning district is intended to provide for areas appropriate for multi-unit residential developments containing attached or detached dwelling units.

Question: Doesn't the map have more districts including R-1 Attached? If not, shouldn't it have some differentiation between R-1 and the Bluffs Townhouses?

20.18.020 – Residential Zoning Districts Land Uses and Permit Requirements

A. Allowed land uses.

1. Table 2-1 indicates the uses allowed within each residential zoning district and the permit required to establish the use, if any, in compliance with Part 5 (Planning Permit Procedures).
2. Residential uses represent the primary allowed use, and only those additional uses that are complementary to, and can exist in harmony with, the residential character of each zoning district may be allowed as accessory, conditionally permitted, and/or temporary uses.

B. Prohibited land uses.

A table cell with "----" means that the listed land use is prohibited in that zoning district.

C. Applicable Regulations.

Where the last column in the tables ("Specific Use Regulations") includes a Section number, the regulations in the referenced section apply to the use. Provisions in other Sections of this Zoning Code may also apply.

TABLE 2-1 ALLOWED USES AND PERMIT REQUIREMENTS		Residential Zoning Districts Permit Requirements *				
		P CUP CUP-HO MUP LTP ---	Permitted By-Right Conditional Use Permit (20.66.090) Conditional Use Permit - Hearing Officer (20.66.095) Minor Use Permit (20.66.090) Limited Term Permit (20.66.080) Not allowed *			
Land Use See Part 7 for land use definitions. See Chapter 20.12 for unlisted uses.	R-A	R-1	R-2	RM	Specific Use Regulations	
Residential Uses						
Home Occupations	P	P	P	P	20.60.110	
Single-Unit Dwellings - Attached	---	---	P	P	20.60.190	
Single-Unit Dwellings - Detached	P	P	P	P	20.60.190	
Multi-Unit Dwellings	---	---	---	P		
Two-Unit Dwellings	---	---	P	P	20.60.190	
Accessory Dwelling Units	MUP	MUP	---	---		
Visitor Accommodations, Residential						
Bed & Breakfast Inns	---	---	CUP-HO Why HO	CUP-HO Why HO?	20.60.060	
Short Term Lodging	---	---	P(Prohibit or MUP)	P	MC 5.95	
Care Uses						
Adult Day Care						
Small (6 or fewer)	P	P	P	P		
Large (7 to 14)	MUP	MUP	MUP	MUP		
Child Day Care						
Small (8 or fewer)	P	P	P	P	20.60.070	
Large (9 to 14)	MUP	MUP	MUP	MUP	20.60.070	
Day Care, General (15 or more)	---	---	CUP-HO Why HO?	CUP-HO Why HO?		
Residential Care Facilities						
Limited (6 or fewer) Licensed	P	P	P	P	20.60.180	
Limited (6 or fewer) Unlicensed	---	---	---	CUP-HO	20.60.180	
General (7 or more) Licensed	---	---	---	CUP-HO	20.60.180	
General (7 or more) Unlicensed	---	---	---	CUP-HO	20.60.180	
Integral Facilities/Integral Uses	---	---	---	CUP-HO	20.60.180	
Parolee-Probationer Home	---	---	---	---		
Nonresidential Uses						
Parking Facility	MUP	MUP? CUP?	MUP	MUP		
Convalescent Facilities	---	---	---	MUP		
Utilities	P	P	P	P		
Wireless Telecommunication Facilities	Not allowed on residential lots See Municipal Code Chapter 15.70					
Other Uses						
Accessory Structures and Uses	P	P	P	P		
Animal Keeping	P	P	P	P	20.60.040	
Personal Property Sales	P	P	P	P	20.60.160	
Special Events	See Municipal Code Chapter 11.03					
Temporary Uses	LTP	LTP	LTP	LTP	20.66.080	

- * **Uses not listed.** Land uses that are not listed in the table above, or are not shown in a particular zoning district are not allowed, except as provided by Section 20.12.020 (Rules of Interpretation).

20.18.030 – Residential Zoning Districts General Development Standards

New land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and/or established in compliance with the requirements in Tables 2-2 and 2-3, in addition to the development standards in Part 3 (Site Planning and Development Standards).

**TABLE 2-2
DEVELOPMENT STANDARDS FOR SINGLE-UNIT RESIDENTIAL ZONING DISTRICTS**

Development Feature	R-A	R-1	R-1 - 6,000	R-1 - 7,200	R-1 - 10,000	Additional Requirements
Lot Dimensions	<i>Minimum dimensions required for each NEWLY CREATED lot.</i>					
Lot Area (1) (2)						
Corner lot	87,120 sq. ft.	6,000 sq. ft.	6,000 sq. ft.	7,200 sq. ft.	10,000 sq. ft.	
Interior lot	87,120 sq. ft.	5,000 sq. ft.	6,000 sq. ft.	7,200 sq. ft.	10,000 sq. ft.	
Lot Width						
Corner	125 ft.	60 ft.	60 ft.	70 ft.	90 ft.	
Interior	125 ft.	50 ft.	60 ft.	70 ft.	90 ft.	
Lot Length	N/A	N/A	80 ft.	90 ft.	100 ft.	
Density/Intensity	<i>Each legal lot shall be allowed one single-unit detached dwelling.</i>					
Setbacks	<i>These are minimum setbacks required for primary structures. See Section 20.80.090 (Setback Regulations and Exceptions) for setback measurement, allowed projections into setbacks, and exceptions. The following setbacks shall apply, unless different requirements are identified on the Setback Maps in which case the Setback Maps shall control. (See Part 8, Figure x)</i>					
Front:	20 ft.	20 ft.	20 ft.	20 ft.	15 ft. Why smaller than 20'?	20.30.090
Side (interior, each):						
Lots 40 ft. wide or less.	5 ft.	3 ft. (4)	6 ft.	5 ft.	10 ft.	20.30.090
Lots wider than 40 ft.	5 ft.	4 ft.	6 ft.	5 ft.	10 ft.	

**TABLE 2-2
DEVELOPMENT STANDARDS FOR SINGLE-UNIT RESIDENTIAL ZONING DISTRICTS**

Development Feature	R-A	R-1	R-1 - 6,000	R-1 - 7,200	R-1 - 10,000	Additional Requirements
Side (Street side): Lots 40 ft. wide or less. Lots wider than 40 ft.	5 ft. 5 ft.	3 ft. 4 ft.	6 ft. 6 ft.	5 ft 5 ft.	10 ft. 10 ft.	20.30.090 Garages on alleys shall be set back a minimum of 5 ft. and a maximum of 7 ft.
Rear	25 ft.	10 ft.	6 ft.	20 ft.?	10 ft. Why smaller than 72K	
Abutting Alley: 15 ft. wide or less	N/A	5 ft.	N/A	N/A		
15'-1" to 19'-11"	N/A	3'-9"	N/A	N/A	N/A	
20 ft. wide or more	N/A	0	N/A	N/A	N/A	
Bluff edge setback	As provided on Setback Maps (See Part 8, Figure x) and Chapters 20.38 (Bluff, Canyon, and Shoreline Protection in the Coastal Zone) and 20.40 (Bluff and Canyon Protection Outside the Coastal Zone)					
Bulkhead setback	Structures shall be set back a minimum of 10 ft. from the bulkhead in each zoning district.					
Site Coverage	Maximum percentage of the total lot area that may be covered by structures.					
Lots 40 ft. wide or less	N/A	N/A	N/A	N/A	N/A	
Lots wider than 40 ft.	40%	N/A	60%	60%	60%	
Height (3)	Maximum height of structures without discretionary approval. See Section 20.30.050.B (Increase in Height Limit) for possible increase in height limit.					
Flat roof	24 ft.	24 ft.	24 ft.	35 ft. and 2 stories	24 ft.	See Sections 20.30.090.C (Height Limit Areas) and 20.30.050. A (Height of structures and measurement)
Sloped roof; Minimum 4/12 pitch	29 ft.	29 ft.	29 ft.	40 ft. and 2 stories	29 ft. Why are the small lots allowed higher height limits than large lots?	
Open Space	Minimum required open space.					

**TABLE 2-3
DEVELOPMENT STANDARDS FOR TWO-UNIT AND MULTI-UNIT
RESIDENTIAL ZONING DISTRICTS**

Development Feature	R-2	R-2- 6,000	RM	RM - 6,000	Additional Requirements
Signs	See Chapter 20.54 (Signs).				

Notes:

- (1) The City may require the merger of existing substandard lots that do not meet minimum size requirements in compliance with Municipal Code Chapter 19.68 (Merger of Contiguous Lots).
- (2) Lots in the R-1 and R-2 zoning districts may be subdivided so that the resulting lot area for each new lot is less than that identified in Table 2-3; provided the minimum lot size shall not be less than the average size of lots located on the same block face and in the same zoning district. Question: How is this consistent with the General Plan policy prohibiting new subdivisions? No new lot shall be less than 2,400 square feet. Lot width and length may vary according to other similar lots within the subject area.
- (3) On a site of less than 5,000 square feet that existed prior to March 10, 1976, a two-family dwelling may be constructed provided that there shall be not less than 1,000 square feet of land area for each dwelling unit.
- (4) The total gross floor area contained in all buildings and structures on a development site shall not exceed 1.75 times the buildable area of the site; provided that up to 200 square feet of floor area per required parking space devoted to enclosed parking shall not be included in calculations of total gross floor area.
- (5) Interior and street side setback areas are not required to be wider than 15 feet; however, the side setback area on the street side of a corner lot, where the abutting lot has a reversed frontage, shall not be less than the front setback area required on the abutting reversed frontage.
- (6) On the bluff side of Ocean Boulevard, the maximum height shall not exceed the elevation of the top of the curb abutting the lot.

- G. CM (Commercial Recreational and Marine) Zoning District.** The CM zoning district is intended to provide for areas appropriate for commercial development on or near the waterfront that will encourage the continuation of coastal-dependent and coastal-related uses, maintain the marine theme and character, encourage mutually supportive businesses, encourage visitor-serving and recreational uses, and encourage physical and visual access to the bay on sites located on or near the bay.
- H. CN (Commercial Neighborhood) Zoning District.** The CN zoning district is intended to provide for areas appropriate for a limited range of retail and service uses developed in one or more distinct centers oriented to serve primarily the needs of and maintain compatibility with residential uses in the immediate area.
- I. CV (Commercial Visitor-Serving) Zoning District.** The CV zoning district is intended to provide for areas appropriate for accommodations, goods, and services intended to serve primarily visitors to the City.

20.20.020 – Commercial Zoning Districts Land Uses and Permit Requirements

- A. Allowed land uses.** Tables 2-4 and 2-5 indicate the uses allowed within each zoning district and the permit required to establish the use, if any, in compliance with Part 5 (Planning Permit Procedures).
- B. Prohibited land uses.** Any table cell with “—” means that the listed land use is prohibited in that specific zoning district.
- C. Applicable Regulations.** Where the last column in the tables (“Specific Use Regulations”) includes a Section number, the regulations in the referenced section apply to the use. Provisions in other Sections of this Zoning Code may also apply.
- D. Uses to be conducted within an enclosed structure.** All uses allowed within the commercial zoning districts shall be conducted within an enclosed structure, unless allowed otherwise by a Conditional Use Permit or Minor Use Permit.

TABLE 2-4 ALLOWED USES AND PERMIT REQUIREMENTS	Commercial Zoning Districts Permit Requirements *					
	P	Permitted By-Right				
	CUP	Conditional Use Permit (20.66.090)				
	MUP	Minor Use Permit (20.66.090)				
	LTP	Limited Term Permit (20.66.080)				
---	Not allowed *					
Land Use See Part 7 for land use definitions. See Chapter 20.12 for unlisted uses.	OA	OG	OM	OR	Specific Use Regulations	
Industry, Manufacturing & Processing, Warehousing Uses						
Handicraft Industry	P	--	--	--		
Industry, Small (Less than 5,000 sq. ft.)	MUP	--	--	--		
Personal Storage (Mini Storage)	P	--	--	--		
Research and Development	<u>P</u> <u>MUP?</u> <u>CUP?</u>	<u>P</u> <u>same</u>	<u>P</u> <u>same</u>	<u>P</u> <u>Same</u>		
Recreation, Education, and Public Assembly Uses						

**TABLE 2-4
ALLOWED USES AND PERMIT
REQUIREMENTS**

**Commercial Zoning Districts
Permit Requirements ***

P Permitted By-Right
CUP Conditional Use Permit (20.66.090)
MUP Minor Use Permit (20.66.090)
LTP Limited Term Permit (20.66.080)
--- Not allowed *

Land Use See Part 7 for land use definitions. See Chapter 20.12 for unlisted uses.	OA	OG	OM	OR	Specific Use Regulations
Assembly/Meeting Facilities (Less than 5,000 sq. ft.)	CUP	CUP	CUP	CUP	
Commercial Recreation and Entertainment	---	---	---	CUP	
Cultural Institutions	P	---	---	P	
Schools, Public and Private	CUP	CUP	---	CUP	
Schools, related to medical professions	MUP	MUP	MUP	MUP	
Retail Trade Uses					
Alcohol Sales (off-sale)	MUP	MUP	MUP	MUP	20.60.030
Alcohol Sales (off-sale), Accessory Only	P <u>MUP?</u>	P <u>MUP?</u>	P <u>MUP?</u>	P <u>MUP?</u>	
Retail Sales (less than 10,000 sq. ft.)	P <u>MUP?</u>	P	P	P	
Retail Sales (10,000 sq. ft. or greater)	P <u>CUP?</u>	---	---	---	
Pharmacy, Medical Supplies	P	P	P	P	
Service Uses – Business, Financial, Medical, and Professional					
ATM's	P	P	P	P	
Convalescent Facilities	---	P <u>MUP?</u>	P <u>MUP?</u>	---	
Emergency Health Facilities	P? <u>MUP?</u>	P <u>MUP?</u>	P <u>MUP?</u>	P <u>MUP?</u>	
Financial Institutions and Related Services	P	P	P	P	
Hospitals	--	--	CUP	--	
Offices - Business	P	P	P	P	
Offices - Corporate	P	P	---	P	
Offices - Medical and Dental	P	P	P	P	
Offices - Professional	P	P	P	P	
Outpatient Surgery Facility	P	P	P	P	
Service Uses - General					
Adult-Oriented Businesses	CUP	--	--	--	MC 5.96 20.60.020
Ambulance Services	P	---	P	---	
Animal Sales and Services					
Animal Boarding/Kennels	P	---	--	CUP	20.60.050
Animal Grooming	P	<u>MUP?</u>	--	<u>MUP?</u>	20.60.050
Veterinary Services	P	CUP	CUP	CUP	20.60.050
Artists' Studios	P	P	---	P	
Catering Services	P	P	--	P	
Day Care - General (15 or more)	MUP <u>CUP?</u>	MUP <u>CUP?</u>	MUP <u>CUP?</u>	MUP <u>CUP?</u>	

**TABLE 2-4
ALLOWED USES AND PERMIT
REQUIREMENTS**

**Commercial Zoning Districts
Permit Requirements ***

P	Permitted By-Right
CUP	Conditional Use Permit (20.66.090)
MUP	Minor Use Permit (20.66.090)
LTP	Limited Term Permit (20.66.080)
---	Not allowed *

Land Use See Part 7 for land use definitions. See Chapter 20.12 for unlisted uses.	OA	OG	OM	OR	Specific Use Regulations
Eating and Drinking Establishments This section needs clarity, simplicity and a lot of work					
Accessory (open to public)	P	P	P	P	20.60.090
Bars, Lounges, and Nightclubs	CUP	---	---	CUP	20.60.090
Fast Food (no late hours) (1)(2)	P/MUP	P/MUP	---	---	20.60.090
Fast Food (with late hours) (1)	MUP	MUP	---	---	20.60.090
Food Service (no alcohol, no late hours) (1)(2)	P/MUP	P/MUP	P/MUP	P/MUP	20.60.090
Food Service (no late hours) (1)	MUP	MUP	MUP	MUP	20.60.090
Food Service (with late hours) (1)	CUP	CUP	CUP	CUP	20.60.090
Take-Out Service, Limited (2)	P/MUP	P/MUP	P/MUP	P/MUP	20.60.090
Take-Out Service Only (2)	P/MUP	P/MUP	P/MUP	P/MUP	20.60.090
Outdoor Dining - Accessory	MUP	MUP	MUP	MUP	20.60.090
Emergency Shelters	P MUP?	--- MUP?	--- MUP?	--- MUP?	20.60.100
Funeral Homes and Mortuaries, w/o crematorium	MUP	MUP	MUP	MUP	
Funeral Homes and Mortuaries, with crematorium	CUP	CUP	CUP	CUP	
Health/Fitness Facilities					
Small - 2,000 sq. ft or less	P	P	P	P	
Large - Over 2,000 sq. ft.	MUP	MUP	MUP	MUP	
Laboratories (Definition needs a size component; this would include Allergan.)	P MUP? CUP?	P MUP? CUP?	P MUP? CUP?	P MUP? CUP?	
Maintenance and Repair Services	P	P	---	P	
Massage Establishments	MUP	MUP	MUP	MUP	MC 5.50 20.60.120
Massage Services, Accessory	MUP	MUP	MUP	MUP	20.60.120
Personal Services definition is too broad	P MUP?	P MUP?	P MUP?	P MUP?	
Postal Services	P	P	P	P	
Printing and Duplicating Services	P	P	P	P	
Visitor Accommodations, Nonresidential					
Hotels, Motels, and Time-Shares	CUP	--	CUP	---	
Transportation, Communications, and Infrastructure Uses					
Communication Facilities	P MUP?	P MUP?	---	P MUP?	
Heliports and Helistops	CUP	---	CUP	CUP	
Parking Facilities	MUP	MUP	MUP	MUP	
Utilities	P	P	P	P	
Wireless Telecommunication Facilities	Municipal Code Chapter 15.70				

**TABLE 2-5
ALLOWED USES AND
PERMIT REQUIREMENTS**

**Commercial Zoning Districts
Permit Requirements ***

P	Permitted By-Right
CUP	Conditional Use Permit (20.66.090)
MUP	Minor Use Permit (20.66.090)
LTP	Limited Term Permit (20.66.080)
---	Not allowed *

Land Use See Part 7 for land use definitions. See Section 20.12.020 for unlisted uses.	CC	CG	CM	CN	CV	Specific Use Regulations
Industry, Manufacturing & Processing, Warehousing Uses						
Handicraft Industry	P	P	P	P	P	
Recreation, Education, and Public Assembly Uses						
Assembly/Meeting Facilities (above 1 st floor only)	CUP	CUP	CUP	CUP	CUP	
Commercial Recreation and Entertainment	CUP	CUP	CUP	CUP	CUP	
Cultural Institutions	P	P	MUP	--	P	
Schools, Public and Private	---	CUP	CUP	CUP	CUP	
Retail Trade Uses						
Alcohol Sales (off-sale)	MUP	MUP	MUP	MUP	MUP	20.60.030
Alcohol Sales (off-sale), Accessory Only	P	P	P	P	P	
Bulk merchandise	---	P	---	P	--	
Marine Rentals and Sales						
Boat Rentals and Sales	--	CUP	CUP	--	CUP	
Marine Retail Sales	P MUP?	P MUP?	P MUP?	--	P MUP?	
Retail Sales	P	P	P	P	---	
Visitor Serving Retail	P	---	---	---	P	
Service Uses – Business, Financial, Medical, and Professional						
ATM's	P	P	P	P	P	
Emergency Health Facility (above 1 st floor only)	MUP	MUP	--	--	MUP	
Financial Institutions and Related Services	P	P	--	P	P	
Offices - Corporate (above 1 st floor only)	P	P	P	P	---	
Offices - Business	P	P	P	P	P	
Offices - Medical and Dental	P	P	--	P	P	
Offices - Professional (above 1 st floor only)	P	P	P	P	P	
Outpatient Surgery Facility (above 1 st floor only)	MUP	MUP	P	---	---	
Service Uses - General						
Adult-Oriented Businesses	---	---	--	--	---	MC 5.96 20.60.020
Ambulance Services	---	MUP	--	--	---	
Animal Sales and Services						
Animal Boarding/Kennels	CUP	CUP	--	CUP	---	20.60.050
Animal Grooming	P	P	--	P	P	20.60.050
Animal Retail Sales	P	P	--	P	P	20.60.050

**TABLE 2-5
ALLOWED USES AND
PERMIT REQUIREMENTS**

**Commercial Zoning Districts
Permit Requirements ***

P Permitted By-Right
CUP Conditional Use Permit (20.66.090)
MUP Minor Use Permit (20.66.090)
LTP Limited Term Permit (20.66.080)
--- Not allowed *

Land Use See Part 7 for land use definitions. See Section 20.12.020 for unlisted uses.	CC	CG	CM	CN	CV	Specific Use Regulations
Veterinary Services	CUP	CUP	--	CUP	---	20.60.050
Artists' Studios	P	P	P	P	P	
Catering Services	---	P	P	P	P	
Day Care, General (15 or more)	MUP	MUP	--	MUP	MUP	
Eating and Drinking Establishments See Comment above.						
Accessory (open to public)	P	P	P	P	P	20.60.090
Bars, Lounges, and Nightclubs	CUP	CUP	CUP	CUP	CUP	20.60.090
Fast Food (no late hours) (1)(2)	P/MUP	P/MUP	P/MUP	P/MUP	P/MUP	20.60.090
Fast Food (with late hours) (1)	MUP	MUP	MUP	MUP	MUP	20.60.090
Food Service (no alcohol, no late hours) (1)(2)	P/MUP	P/MUP	P/MUP	P/MUP	P/MUP	20.60.090
Food Service (no late hours) (1)	MUP	MUP	MUP	MUP	MUP	20.60.090
Food Service (with late hours) (1)	CUP	CUP	CUP	CUP	CUP	20.60.090
Take-Out Service, Limited (2)	P/MUP	P/MUP	P/MUP	P/MUP	P/MUP	20.60.090
Take-Out Service Only (2)	P/MUP	P/MUP	P/MUP	P/MUP	P/MUP	20.60.090
Outdoor Dining - Accessory	MUP	MUP	MUP	MUP	MUP	20.60.090
Funeral Homes and Mortuaries, without crematorium	---	MUP	--	--	---	
Funeral Homes and Mortuaries, with crematorium	---	CUP	---	---	---	
Health/Fitness Facilities						
Small - 2,000 sq. ft. or less	P	P	P	P	P	
Large - Over 2,000 sq. ft.	MUP	MUP	MUP	MUP	MUP	
Laboratories	---	P	---	--	--	
Maintenance and Repair Services	---	P	---	P	--	
Marine Services						
Boat Storage	--	--	CUP MUP?	--	--	
Boat Yards	--	--	CUP MUP?	--	--	
Entertainment and Excursion Services	--	--	P	--	P	MC Title 17
Marine Service Stations	--	--	CUP	--	CUP	
Water Transportation Services	---	---	MUP	---	MUP	
Personal Services						
Massage Establishments	MUP	MUP	---	MUP	MUP	MC 5.50 20.60.120
Massage Services, Accessory	MUP	MUP	---	MUP	MUP	20.60.120
Nail Salons	P	P	---	P	P	
Personal Services, General See Comment above.	P	P	---	P	P	
Studio	P	P	---	P	P	

ensure that the uses are fully integrated and that potential impacts from their differing activities are fully mitigated.

- F. MU-W2 (Mixed-Use Water) Zoning District.** This zoning district applies to waterfront properties in which marine-related uses may be intermixed with general commercial, visitor serving commercial, and residential dwelling units on the upper floors.

20.22.020 – Mixed-Use Zoning Districts Land Uses and Permit Requirements

- A. Allowed land uses.** Tables 2-8, 2-9, and 2-10 indicate the uses allowed within each zoning district and the permit required to establish each use, in compliance with Part 5 (Land Use and Development Permit Procedures).
- B. Prohibited land uses.** Any table cell with “—” means that the listed land use is prohibited in that specific zoning district.
- C. Applicable Regulations.** Where the last column in the tables (“Specific Use Regulations”) includes a Section number, the regulations in the referenced section apply to the use. Provisions in other Sections of this Zoning Code may also apply.
- D. Uses to be conducted within an enclosed structure.** All uses allowed within the mixed use zoning districts shall be conducted within an enclosed structure, unless allowed otherwise by a Conditional Use Permit or Minor Use Permit.

TABLE 2-8 ALLOWED USES AND PERMIT REQUIREMENTS	Mixed-Use Zoning Districts Permit Requirements				
	P CUP MUP LTP ---	Permitted By-Right Conditional Use Permit (20.66.090) Minor Use Permit (20.66.090) Limited Term Permit (20.66.080) Not allowed *			
Land Use See Part 7 for land use definitions. See Chapter 20.12 for unlisted uses.	MU-V	MU-H1 MM	MU-H1 DW	MU-H4	Specific Use Regulations
Industry, Manufacturing & Processing, Warehousing Uses					
Handicraft Industry	P	P	P	P	
Industry, Marine-Related	---	CUP	---	P <u>CUP</u> ; MUP?	
Research and Development	---	P <u>MUP?</u>	CUP	P <u>MUP?</u>	
Recreation, Education, and Public Assembly Uses					
Assembly/Meeting Facilities - Located only above 1 st floor	CUP	CUP	CUP	CUP	
Commercial Recreation and Entertainment	CUP	CUP	CUP	CUP	
Cultural Institutions	P	P	P	P	
Schools, Public and Private	CUP	CUP	CUP	CUP	

**TABLE 2-8
ALLOWED USES AND PERMIT
REQUIREMENTS**

**Mixed-Use Zoning Districts
Permit Requirements**

P	Permitted By-Right
CUP	Conditional Use Permit (20.66.090)
MUP	Minor Use Permit (20.66.090)
LTP	Limited Term Permit (20.66.080)
---	Not allowed *

Land Use See Part 7 for land use definitions. See Chapter 20.12 for unlisted uses.	MU-V	MU-H1 MM	MU-H1 DW	MU-H4	Specific Use Regulations
--	------	-------------	-------------	-------	-----------------------------

Residential Uses

Single-Unit Dwellings					
Located on 1 st floor	---	---	---	P (3)	20.60.130
Located above 1 st floor	P (1)	---	---	P (3)	20.60.130
Multi-Unit Dwellings					
Located on 1 st floor	---	P (1)(2)	P (1)	P (3)	20.60.130
Located above 1 st floor	P (1)	P (1)(2)	P (1)	P (3)	20.60.130
Two-Unit Dwellings					
Located on 1 st floor	---	---	---	P (3)	20.60.130
Located above 1 st floor	P (1)	---	---	P (3)	20.60.130
Home Occupations	P	P (1)	P	P	20.60.110
Live-work Units	P	P (1)(2)	P	P (3)	

**TABLE 2-9
ALLOWED USES AND PERMIT
REQUIREMENTS**

**Mixed-Use Zoning Districts
Permit Requirements**

P	Permitted By-Right
CUP	Conditional Use Permit required (20.66.090)
MUP	Minor Use Permit required (20.66.090)
LTP	Limited Term Permit required (20.66.080)
---	Not allowed *

Land Use See Part 7 for land use definitions. See Chapter 20.12 for unlisted uses.	MU-V	MU-H1 MM	MU-H1 DW	MU-H4	Specific Use Regulations
--	------	-------------	-------------	-------	-----------------------------

Care Uses

Adult Day Care					
Small (6 or fewer)	P <u>MUP?</u>	P <u>MUP?</u>	P <u>MUP?</u>	P <u>MUP?</u>	
Child Day Care					
Small (8 or fewer)	P <u>MUP?</u>	P <u>MUP?</u>	P <u>MUP?</u>	P <u>MUP?</u>	20.60.070
Day Care, General (15 or more)	---	MUP	---	MUP	

Retail Trade Uses

Alcohol Sales (off-sale)	MUP	MUP	---	MUP	20.60.030
Alcohol Sales (off-sale) Accessory Only	P	P	P	P	
Marine Rentals and Sales					
Boat Rentals and Sales	CUP	P	P	CUP	
Marine Retail Sales	P	P	P	P	
Retail Sales	P	P	P	P	

Service Uses –

Business, Financial,
Medical, and
Professional

Emergency Health Care	MUP	MUP	MUP	MUP	
-----------------------	-----	-----	-----	-----	--

**TABLE 2-9
ALLOWED USES AND PERMIT
REQUIREMENTS**

**Mixed-Use Zoning Districts
Permit Requirements**

P Permitted By-Right
CUP Conditional Use Permit required (20.66.090)
MUP Minor Use Permit required (20.66.090)
LTP Limited Term Permit required (20.66.080)
--- Not allowed *

Land Use See Part 7 for land use definitions. See Chapter 20.12 for unlisted uses.	MU-V	MU-H1 MM	MU-H1 DW	MU-H4	Specific Use Regulations
Financial Institutions and Related Services	P	P	P	P	
Offices - Business	P	P	P	P	
Offices - Medical and Dental	P	P	P	P	
Offices - Professional (above 1 st floor only)	P	P	P	P	
Service Uses - General					
Animal Sales and Services					
Animal Grooming	P	P	P	P	20.30.050
Animal Retail Sales	P	P	---	P	20.30.050
Veterinary Services	---	CUP	CUP	---	20.30.050
Artists' Studios	P	P	P	P	
Eating and Drinking Establishments					
Accessory (open to public)	P	P	P	P	20.60.090
Bars, Lounges, and Nightclubs	CUP <u>Not allowed</u>	CUP <u>Not allowed</u>	---	CUP <u>Not Allowed</u>	20.60.090
Fast Food (no late hours) (4)(5)	P/MUP	P/MUP	---	P/MUP	20.60.090
Fast Food (with late hours) (4)	MUP	MUP	---	MUP	20.60.090
Food Service (no alcohol, no late hours) (4)(5)	P/MUP	P/MUP	---	P/MUP	20.60.090
Food Service (no late hours) (4)	MUP	MUP	---	MUP	20.60.090
Food Service (with late hours) (4)	CUP	CUP	---	CUP	20.60.090
Take-Out Service, Limited (5)	P/MUP	P/MUP	---	P/MUP	20.60.090
Take-Out Service Only (5)	P/MUP	P/MUP	---	P/MUP	20.60.090
Outdoor Dining - Accessory	MUP	MUP		MUP	20.60.090
Health/Fitness Facilities					
Small – 2,000 sq. ft. or less	P	P	MUP	P	
Large – Over 2,000 sq. ft	CUP	CUP	---	CUP	
Laboratories	---	---	P	---	
Maintenance and Repair Services	P	P	---	P	
Marine Services					
Entertainment and Excursion Services	P	P	---	P	MC Title 17
Marine Service Stations	CUP	---	---	---	
Personal Services					
Massage Establishments	MUP	MUP	MUP	MUP	MC 5.50 20.60.120
Massage Services, Accessory	MUP	MUP	MUP	MUP	20.60.120
Nail Salons	P	P	P	P	
Personal Services, General See Comments above.	P	P	P	P	
Studio	MUP	MUP	MUP	MUP	
Postal Services	P	P	P	P	
Printing and Duplicating Services	P	P	P	P	

TABLE 2-10 ALLOWED USES AND PERMIT REQUIREMENTS			
Mixed-Use Zoning Districts Permit Requirements			
	P	Permitted By-Right	
	CUP	Conditional Use Permit (20.66.090)	
	MUP	Minor Use Permit (20.66.090)	
	LTP	Limited Term Permit (20.66.080)	
	---	Not allowed *	
Land Use See Part 7 for land use definitions. See Chapter 20.12 for unlisted uses.	MU-W1 MM (5)	MU-W2	Specific Use Regulations
Visitor Serving Retail	P	P	
Service Uses – Business, Financial, Medical, and Professional			
ATM's	P	P	
Emergency Health Facilities	---	P	
Financial Institutions and Related Services (above 1 st floor only)	P	P	
Offices - Business (above 1 st floor only)	P	P	
Offices - Medical and Dental (above 1 st floor only)	---	P	
Offices - Profession (above 1 st floor only)	P	P	
Service Uses - General			
Animal Retail Sales	MUP	MUP	20.60.050
Artists' Studios	P	P	
Eating and Drinking Establishments			
Accessory (open to public)	P	P	20.60.090
Bars, Lounges, and Nightclubs See Comments above for all uses in this section	CUP	CUP	20.60.090
Fast Food (no late hours) (3)(4)	P	P	20.60.090
Fast Food (with late hours) (3)	MUP	MUP	20.60.090
Food Service (no alcohol, no late hours) (3)(4)	P/MUP	P/MUP	20.60.090
Food Service (no late hours) (3)	MUP	MUP	20.60.090
Food Service (with late hours) (3)	CUP	CUP	20.60.090
Take-Out Service - Limited (4)	P/MUP	P/MUP	20.60.090
Take-Out Service Only (4)	P/MUP	P/MUP	20.60.090
Outdoor Dining - Accessory	P	P	20.60.090
Health/Fitness Facilities			
Small – 2,000 sq. ft. or less	P	P	
Maintenance and Repair Services	P	P	
Marine Services			
Boat Storage	CUP	CUP	
Boat Yards	CUP	CUP	
Entertainment and Excursion Services	P	P	
Marine Service Stations	CUP	CUP	
Water Transportation Services	P	P	
Personal Services			
Massage Establishments	MUP	MUP	MC 5.50 20.60.120
Massage Services, Accessory	MUP	MUP	20.60.120
Nail Salons	P	P	
Personal Services, General	P	P	
Visitor Accommodations			

**TABLE 2-13
ALLOWED USES AND PERMIT
REQUIREMENTS**

**Industrial Zoning Districts
Permit Requirements**

P	Permitted By-Right
CUP	Conditional Use Permit (20.66.090)
MUP	Minor Use Permit (20.66.090)
LTP	Limited Term Permit (20.66.080)
---	Not allowed *

Land Use See Part 7 for land use definitions. See Chapter 20.12 for unlisted uses.	IG	Specific Use Regulations
Industry, Manufacturing & Processing, Warehousing Uses		
Food Processing	P	
Handicraft Industry	P	
Industry		
Small - 5,000 sq. ft. or less	P MUP?	
Large - Over 5,000 sq. ft.	CUP	
Personal Storage (Mini Storage)	MUP	
Research and Development	P MUP?	
Warehousing		
Small - 5,000 sq. ft. or less	P	
Large - Over 5,000 sq ft	MUP	
Wholesaling	P MUP?	
Recreation, Education, and Public Assembly Uses		
Assembly/Meeting Facilities	CUP	
Retail Trade Uses		
Alcohol Sales (off-sale)	P MUP?	20.60.030
Alcohol Sales (off-sale), Accessory Only	P	
Building Materials and Services	P	
Contractor's Storage Yards	MUP	
Marine Rentals and Sales		
Boat Rentals and Sales	MUP	
Marine Retail Sales	P	
Retail Sales	P	
Service Uses – Business, Financial, Medical, and Professional		
ATM's	P	
Offices - Business, Governmental, and Professional	P	
Service Uses - General		
Adult-Oriented Businesses	P? MUP? Kennels require MUP but adult is permitted?	MC 5.96 20.60.020
Ambulance Services	P	
Animal Sales and Services		
Animal Boarding/Kennels	MUP	20.60.050
Animal Grooming	P	20.60.050
Animal Hospitals/Clinics	MUP	20.60.050
Animal Retail Sales	P	20.60.050

Chapter 20.26 – Special Purpose Zoning Districts [OS, PC, PF, PI, and PR]

20.26.010 – Purposes of Special Purpose Zoning Districts

20.26.020 – Special Purpose Zoning Districts Land Uses and Permit Requirements

20.26.030 – Special Purpose Zoning Districts General Development Standards

20.26.010 – Purposes of Special Purpose Zoning Districts

The purposes of the individual special purpose zoning districts and the manner in which they are applied are as follows:

- A. OS (Open Space) Zoning District.** The OS zoning district is intended to:
1. Provide areas required to maintain and protect the community's natural open space resources; and
 2. Maintain and protect landscaped open space areas located within residential and nonresidential developments, where no further development is allowed.
- B. PC (Planned Community) Zoning District.** The PC zoning district is intended to provide for areas appropriate for the development of coordinated, comprehensive projects that result in a superior environment; to allow diversification of land uses as they relate to each other in a physical and environmental arrangement while ensuring substantial compliance with the spirit, intent, and provisions of this Zoning Code; and to include various types of land uses, consistent with the General Plan, through the adoption of a development plan and related text materials which identify land use relationships and associated development standards.
- C. PF (Public Facilities) Zoning District.** The PF zoning district is intended to provide for areas appropriate for public facilities, including community centers, cultural institutions, [City facilities](#), government facilities, libraries, public hospitals, public utilities, and public schools.
- D. PI (Private Institutions) Zoning District.** The PI zoning district is intended to provide for areas appropriate for privately owned facilities that serve the public, including places for [churches](#), assembly/meeting facilities (~~e.g., religious assembly~~), congregate care homes, cultural institutions, health care facilities, museums, private schools, yacht clubs, and comparable facilities.
- E. PR (Parks and Recreation) Zoning District.** The PR zoning district is intended to provide for areas appropriate for land used or proposed for active public or private recreational use. Allowed uses include aquatic facilities, golf courses, marina support facilities, parks (both active and passive), private recreational facilities, tennis clubs and courts, and similar recreational facilities.

TABLE 2-15 ALLOWED USES AND PERMIT REQUIREMENTS		Special Purpose Zoning Districts Permit Requirements				
		P	Permitted By-Right			
Land Use		CUP	Conditional Use Permit (20.66.090)			
See Part 7 for land use definitions.		MUP	Minor Use Permit (20.66.090)			
See Chapter 20.12 for unlisted uses.		LTP	Limited Term Permit (20.66.080)			
		---	Not allowed *			
Land Use		OS	PF	PI	PR	Specific Use Regulations
Recreation, Education, and Public Assembly Uses						
Assembly/Meeting Facilities		---	MUP	MUP	MUP	
Commercial Recreation and Entertainment		---	---	MUP	CUP	
Cultural Institutions		---	MUP	MUP	MUP	
Parks and Recreational Facilities						
Active		---CUP?	MUP	MUP	MUP	
Passive		MUP P?	MUP	MUP	MUP	
Marine and Wildlife Preserves		MUP	---	---	---	
Schools, Public and Private		---	MUP	MUP	---	
Care Uses						
Child Day Center		---	---	MUP	---	20.60.070
Convalescent Facilities		---	---	MUP	---	
Day Care, General (15 or more)		---	---	MUP	---	
Emergency Health Facility		---	---	MUP	---	
Hospital		---	---	MUP	---	
Residential Care, Accessory Use Only		---	MUP	MUP	---	
Retail Trade Uses						
Alcohol Sales (on-sale), Accessory Only		---	---	MUP	CUP	
Service Uses - General						
Eating and Drinking Establishments						
Accessory (open to public)		---	---	MUP	MUP	20.60.090
Emergency Shelters		---	---	P	---	20.60.100
Governmental Facilities Definition should include City facilities		---	MUP	---	MUP	
Marine Services - Boat Storage, accessory only		---	---	MUP	MUP	
Transportation, Communications, and Infrastructure						
Parking Facilities, Accessory Only		---	MUP	MUP	MUP	
Heliports and Helistops		---	MUP	---	---	
Wireless Telecommunication Facilities						Municipal Code Chapter 15.70
Other Uses						
Accessory Structures and Uses		MUP	MUP	MUP	MUP	
Special Events						Municipal Code Chapter 11.03
Temporary Uses		LTP	LTP	LTP	LTP	20.66.080

* **Uses not listed.** Land uses that are not listed in the table above, or are not shown in a particular zoning district are not allowed, except as otherwise provided by Section 20.12.020 (Rules of Interpretation).

12. Zoning Clearance – Section 20.66.110 (New)

Existing Code: None

- Procedure to verify use or structure complies with applicable code provisions
- Ministerial – used when no discretionary action is required by the code
- Examples include Planning Department approval of building permits and issuance of zoning compliance letters
- Review Authority: Planning Director

13. Specific Plans (Chapter 20.72) (New)

Existing Code: Chapter 20.40

- Complete re-write of SP regulations
- New regulations more consistent with how SP's are used statewide
- Review Authority: City Council
- While not covered under this Section, all existing SP's except Santa Ana Heights replaced by traditional zoning